

**FILED**

US District Court For New Mexico – Albuquerque Peter V. Domenici U.S. Courthouse 333 Lomas Blvd NW Albuquerque, NM 87102	UNITED STATES DISTRICT COURT ALBUQUERQUE, NEW MEXICO
Plaintiff: David Harold Hanson	MAY 11 2020 MITCHELL R. ELFERS CLERK /m FOR COURT USE ONLY
Defendant: Forrest Fenn	Case Number 19cv-01124- <sup>WJ</sup> GBW-KK Division                      Courtroom
MOTION TO REOPEN	

Comes now Plaintiff, David H. Hanson, Pro Se, and prays this Honorable Court Reopen this Case and prays so on the basis of “mistake, inadvertence, surprise, or excusable neglect” (CRCP Rule 60(b))

In support of this Motion, Plaintiff says:: to wit

#### STIPULATIONS

1. Plaintiff signed a “Motion to Dismiss” by email.
2. Judgment was issued by this Honorable Court and an Order to Close this Case was issued.

#### STATEMENT OF FACTS

Plaintiff is not registered to receive electronic notice of responses, motions, notices. or other documents.

All filings by Defendant are required to be served on Plaintiff through the US Post Office  
 Plaintiff learned of this Honorable Courts Order to Close this Case on 05/04/2020

Only during a phone conversation with Counsel for the Defendant on 05/04/2020 did the Plaintiff learn how to access documents from the Action Notices of the Court.

Plaintiff, due to not receiving all filed documents by Defendant, did not have all the information available to make an informed decision concerning signing the “Consent to Dismiss”.

As of this date, Plaintiff has yet to be served by US Mail, Defendant's documents which results being prejudiced.

## ARGUMENT

FRCP Rule 60(b) lists four items as the basis for relief to set aside a judgment . These being “. . . mistake, inadvertence, surprise, or excusable neglect.” although only one of the four is necessary as grounds for this relief, all four are grounds for this relief are cited. They are;

### A. MISTAKE:

1. Plaintiff made a mistake in signing the “Motion to Dismiss without having all facts not received by service of all filings. Salazar v Steelman 22 Cal.App.2nd 402, 71 P2d 79,82.

### B. INADVERTENCE:

1. Plaintiff could not respond due to Defendant's inadvertent failure to serve documents
2. Defendant inadvertently lacked care in not serving all answers, pleadings, motions or other documents on the Plaintiff.
3. Defendant's inadvertent failure to serve Plaintiff properly led to the Order granted by this Honorable Court.

### C.: SURPRISE:

1. Plaintiff was surprised to first learn of the Order to Close this Case on 04/05/2020.
2. Plaintiff was surprised to learn he had not been served with all actions by Defendant.
3. Plaintiff was surprised, confused and perplexed to learn this Honorable Court had already Closed this Case by Order.
  - a. Plaintiff, to evidences his surprise, filed two motions with this Honorable Court after not having notice of Order to Close this Case by Defendant.
4. Plaintiff was surprised to learn a very personal and private letter was presented by Defendant without being served on Plaintiff.
5. Plaintiff was surprised,, by learning all required rulings concerning the Intervenor,
6. Plaintiff was surprised to hear on 05/04/2020 the Intervenor was not a Defendant in this case or associated in any way with the Case although he served a document stating he was.
7. Plaintiff was surprised no service was made on all actions.

D. EXCUSABLE NEGLECT

1. Plaintiff was negligently prejudiced by Defendant's failure to serve all documents.
2. Plaintiff was not served by Defendant documents related to Intervenor and only information from Intervenor's service calling himself "Defendant".

ADDITIONAL INFORMATION

WHEREAS, Plaintiff, not having all the facts in this Case, laments the decision to sign the motion to Dismiss the Case..

THEREFORE, Plaintiff prays this Honorable Court grant relief to Plaintiff. to wit:

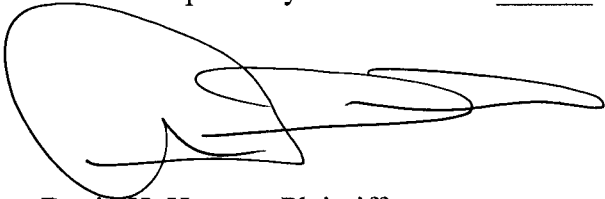
MOTION

Plaintiff prays this Honorable Court to Order this Case be Reopened thereby bringing relief to Plaintiff.. and further;

Defendant be ordered to properly serve Plaintiff with all documents filed with or received from this Honorable Court. and further

Grant Plaintiff 21 days to respond to any answers, pleadings, motions or other documents after receipt of all filed documents.

Respectfully submitted this 7<sup>th</sup> May, 2020.



David H. Hanson, Plaintiff

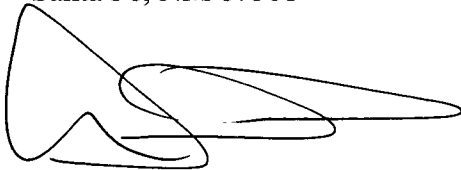
AFFIDAVIT OF SERVICE

Plaintiff does hereby certify that a true and complete copy of Plaintiff's "Motion to Reopen Case" was placed in the US mail with proper postage affixed on this 7<sup>th</sup> day of May, 2020 to:

Karl Sommer

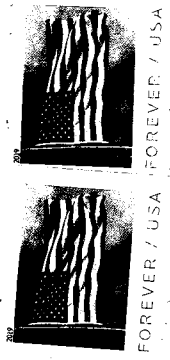
125 Lincoln Ave, Suite 221,

Santa Fe, NM 87501



David H. Hanson, Plaintiff

D. H. Hanson  
2077 Windham Way  
Colo. Spgs, Co 80906



FOREVER / USA

UNITED STATES OF AMERICA

MAY 11 2020

ALBUQUERQUE, NM

U.S. District Court for N.M.  
Peter V. Domenici U.S. Court  
333 Thomas Blvd, NW  
Albuquerque, NM 87102  
8710232274 00238